

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

COMPLAINT

(for filers who are prisoners without attorneys) | P 2:44

CLERK OF COURT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Jamie Lastovich

v.

Case Number:

20-C-0886

(Full name of defendant(s))

(to be supplied by Clerk of Court)

Debra Knisbeck, N.P.; Jane Doe 1;
Wellpath Medical Provider; Jane Doe 2;
Pro Health Urgent Care;

Kristi Fuerstnaue, Agent; Karen Sharp, Agent Supervisor;
Sarah Krals, Regional Chief; And,
State of Wisconsin

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at

(State)

Dodge County Detention Facility
216 W. Center St, Juneau, WI 53039

(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Debra Knisbeck, N.P.

(Name)

is (if a person or private corporation) a citizen of Wisconsin

and (if a person) resides at 216 W. Center St., Juneau, WI 53039
(State, if known)
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Wellpath Medical Provider
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.) - See Attached

B. STATEMENT OF CLAIM #1

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

Count 1. Denial of Medical Treatment

~~Count 1.~~ Between the times of January 2, 2019 and April 25, 2019, Plaintiff (Pl.) was incarcerated at the Dodge County Detention Facility (DCDF).

I was coughing at night. This condition got worse, and significantly worse, over a period of time.

In late February or early March I made a request to Wellpath Medical Provider (Wellpath) and told them I felt like I have pneumonia. They withdrew blood from me and gave me a extra blanket.

and, breathing treatment.

The condition continued, breathing difficulties got worse; I could not sleep. Coughing was incessant, severe, and harsh, and painful.

I was overwhelmed with fear, and fretful of what was to come.

Debra Knisbeck, N.P. (Debra), whom I ordered the bloodwork, breathing treatment, and the extra blanket, failed to make followup with me re my condition despite her telling me that we have to wait for the blood results to come back at which point she will determine what action to take.

No further action was taken by Debra, nor Jane Doe 1. And Jane Doe 1 was at all times aware of the entire situation but also failed to take appropriate action, and to use her own profe-

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SSIONAL judgment, and to make the necessary decisions to protect Pl. from further injury(ies).

During the interim between the time of early April and Mid-April, 2019, a unknown nurse gave me a TB shot as a prerequisite to being released to the physical custody of the Chephus House Treatment Center.

Debra and Jane Doe 1, Knew I was soon to be transferred to the Chephus House and found this to be a opportunity to avoid properly treating me, to avoid making arrangements for me to see a Specialist and to receive outside medical treatment and Services, and to avoid medical expenses for Wellpath and the County and the State.

Rather than to properly treat me or refer me to a specialist or outside medical treatment and Services as required, Debra provided me with less efficacious medical treatment knowing such treatment to be ineffective and detrimental

to Pl's safety, health, and future safety and health, and thereby putting him at great and imminent danger of protracted physical, mental, and emotional injury, and death, or of potential premature death.

During late April, 2019, Pl. was transferred to the physical custody of the Chephus House Treatment Center while still experiencing the same, but worse, symptoms and conditions herein stated. I informed the Chephus staff of the situation, they promptly took me to Pro Health Urgent Care (Pro Health) located in Waukesha, Wisconsin, where I was examined by Jane Doe 2, who ordered a x-ray of my lungs.

Jane Doe 2 stated she couldn't see anything in the x-ray and, thus, "thinks it might be bronchitis". She prescribed me antibiotics. (According to the Department of Health And Human Services - Centers for Disease Control and Prevention (CDC) "antibiotics are **NOT** recommended and **will NOT** help a patient get better if diag-

nosed with bronchitis.")

It then was returned to Chephus, and became so tired I fell asleep without incident. But the following morning when I woke up from coughing and experiencing the same conditions ~~the~~ condition became worse, and I began coughing out, and expectorating, large amounts of blood and chunks.

The Chephus Staff promptly took me to Waukesha Memorial Hospital (The Hospital). The Hospital diagnosed me with Septic pneumonia.

While there, I was retaining water so the Doctors' ordered a heart exam and found that I have had multiple heart attacks which were never treated.

I was in The Hospital for approx. 2 weeks during which time 500 ml of fluid had been removed from my left lung, and I was given a life Vest Defibulizer. Then, discharged from The Hospital.

In late June my probation officer, Kristi Fuerstnean, Agent (Kristi) gave me a urinalysis of which I failed. On my next office visit with Kristi I again came up dirty for THC. She gave me a 45 day Sanction w. Huber privileges for drug treatment and doctor appointments re my Conditions Stated herein. I began outpatient drug treatment and attended my doctor appointments.

In late July or early August 2 stents were placed in my heart re the heart attacks previously discovered by The Hospital.

In late September I had a marijuana and cocaine relapse. I called Kristi to inform her that I had had a relapse, and to seek help.

Rather than to make appropriate arrangements for me to receive the proper drug treatment consistent with my medical needs and doctor appointments, *inter alia*, Kristi placed me in confinement at the Dodge County Detention Facility (DCDF), with no Huber Release for drug treatment nor for the doctor appointments. I had informed

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Kristi of my upcoming doctor appointments, and even had documentation faxed over to her office showing her proof of same. However, despite my consistent efforts to get Kristi to accommodate these needs consistent with the medical orders she refused to comply and thus denied all of said requests.

Because Kristi adamantly refused to comply with the medical orders, and because she denied my requests theretofore, I did not make my doctor appointments.

In early November I was again taken to the Chophue House. They found me to be inappropriate for the program and had informed Kristi of same. Karen issued a arrest warrant for my arrest, and I was arrested and taken to the Waukesha County Jail (WCJ).

While there I was experiencing severe chest pains. I was taken to The Hospital, received a Echo-Cardiogram. I was found to be in immediate need of a Internal Defibrillator, which I received.

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Then discharged.

All of the defendants stated herein has acted, or failed to act, in dereliction of their ministerial duties.

They worked in tandem, in conspiracy, and were deliberately indifferently to Pl.'s serious medical needs.

Their actions/inactions were wanton and wanted.

They acted in their individual and official capacities; and, acted within and beyond scope of their official duties. And, they violated their professional standards of care, and medical care as required by Wisconsin law, and Chapter 655 Wis. Stats.

They all interfered with my access to reasonable medical care. And they have intentionally or recklessly done so.

Pl. now needs a heart transplant, and believes he is on the list for same.

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Defendants are the proximate cause of Pl.'s need for a Internal Defibrillator, Stents, and a heart transplant; and, of his great physical pain, mental and emotional pain and suffering. And, they exacerbated his mental and emotional conditions, caused him great mental anguish, distress, depression, anxiety, fear, *inter alia*.

As a nurse Jane Doe 1 was obliged to present to a responsible administrator any reasonable concerns over an "inappropriate or questionable practice".

All of the events herein, and the actions and inactions of the defendants has taken untold years off of my life. The untreated medical conditions herein stated has done a lot of harm to me in many ways.

I spent, - and continue to spend -, many nights in great fear, mental pain and suffering, *inter alia*, wondering if I am going to die, and when. And I cry myself to sleep.

I just want justice.

Count 2. Denial of medical Treatment.

Kristi, Karen, and Sarah, has conspired to deprive me of my right to Rehabilitation in contravene to the Rehabilitation Act and the Americans with Disabilities Act.

They did so as illustrated herein, *Supra*, as stated in Count 1 of this Complaint.

Karen and Sarah endorsed Kristi's decision to confine me to DCCF without Huber Release so that I may attend my doctor appointments, and for drug treatment.

They abused their Power of Detention.

They have unchecked discretion in determining who to, and under what circumstances, to detain clients. And they have historically abused this discretion. Procedures ought to be formulated by the Court in order to limit this discretion to avoid further abuse.

Count 3. At-Risk Claim.

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Kristi, Karen, and Sarah, et al, again has placed the Pl. at great risk of death or significantly serious injury. He is currently confined at DCDP on a Sanctions with out Huber Release, knowing the Staff here are NOT enforcing Social Distancing. Thus placing him at high-risk of Contracting COVID 19 Corona Virus, which will probably Kill him if so Contracted.

With Pl's conditions herein stated he should not be in jail.

Defendants herein stated has violated Pl's Eighth and Fourteenth Amendment U.S. Constitutional Rights, to be free from Cruel And Unusual Punishment and to Substantive and Procedural Due Process, inter alia.

Respectfully Submitted,

JAMIE J LASTOVICA
Jamie J Lastovica

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

- ①. Compensatory Awards: \$5,000,000.00
- ②. Punitive Awards: \$5,000,000.00
- ③. Court Fees/Costs
- ④. Attorney Fees/Costs
- ⑤. Any other Relief Deemed Appropriate By the Court.
- ⑥. Trust Fund: \$10,000,000.00 Trust Fund Set up for future medical expenses, and other expenses relating to the subject matter, future litigation, funeral/death expenses (if applicable), and other related matters.
- ⑦. Medical expenses.

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A. PARTIES CONTINUED.

3. Defendant Jane Doe 1 is a citizen of Wisconsin and her office is at 216 W. Center St, Juneau, WI 53039, and worked for Wellpath Medical Provider.

4. Defendant Wellpath Medical Provider is a private Corporation incorporated under the laws of the State of Wisconsin Who Conducts a substantial portion of business therein. And, the foregoing named defendants are employees of Same.

5. Defendant Jane Doe 2 is a citizen of Wisconsin and her office is located at Pro Health Urgent Care at 2130 Big Bend Road, Waukesha, WI. 53189.

6. Defendant Pro Health Urgent Care is a private Corporation incorporated under the laws of the State of Wisconsin Who Conducts a substantial portion of business therein. And, defendant Jane Doe 2 is employed by Same.

7. Defendant Kristi Fuerstnaeu, Agent, is a citizen of Wisconsin employed by the State of Wisconsin, and her office is located at 220 Sipel Drive, Beaver Dam, WI, 53916.

8. Defendant Karen Sharp, Agent Supervisor, is a citizen of Wisconsin employed by the State of Wisconsin, and Service of process may be provided at the office of Kristi Fuerstnaeu.

9. Defendant Sarah Krals, Regional Chief, is a citizen of Wisconsin employed by the State of Wisconsin, and Service of process may be provided at the office of Kristi Fuerstnaeu.

10. Defendant State of Wisconsin is a Sovereign State of the U.S. authorized to be sued. And the defendants Kristi Fuerstnaeu, Karen Sharp, and Sarah Krals are all employees of Same; and, they all acted with, and with, Scope of their official duties theretofor.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 8th day of June 2020.

Respectfully Submitted,

[Signature]
Signature of Plaintiff

1054174

Plaintiff's Prisoner ID Number

Jail Address:
216 W. Center St.
JUNEAU, WI. 53039

(Mailing Address of Plaintiff)

Home Address:
N. 7036 Pierce Rd.
Mayville, WI. 53050

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.